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8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**  
10 **AT SEATTLE**

11 AVELARDO RIVERA and YASMINE  
12 ROMERO, individually and on behalf of all  
13 others similarly situated,

14 *Plaintiffs,*

15 v.

16 AMAZON WEB SERVICES, INC.,

17 *Defendant.*

Case No. 2:22-cv-00269-JHC

**PLAINTIFFS' UNOPPOSED MOTION  
TO SEAL PROTECTED MATERIAL IN  
IN SUPPORT OF THEIR REPLY IN  
SUPPORT OF MOTION FOR LEAVE  
TO SERVE FOUR ADDITIONAL  
INTERROGATORIES ON DEFENDANT  
& ORDER**

Pursuant to the Court’s Local Civil Rule 5(g), Plaintiffs Avelardo Rivera and Yasmine Romero (“Plaintiffs”) respectfully submit this Unopposed Motion to File Protected Material Under Seal in Support of Their Reply in Support of Motion for Leave to Serve Four Additional Interrogatories on Defendant (“Reply”). Plaintiffs’ Reply cites to the deposition transcript of Mr. Sean Simmons, the 30(b)(6) representative for Defendant Amazon Web Services (“AWS” or “Defendant”), and cites a spreadsheet AWS produced bearing Bates No. AWS\_00009345. Relevant portions of both documents are attached to the Declaration of Schuyler Ufkes in Support of Plaintiffs’ Reply as Exhibits A and C, respectively. AWS has designated these materials “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY.” Plaintiffs accordingly request leave to file their Reply with the confidential materials redacted, and to file Exhibits A and C under seal.

#### **CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 5(g)(1)(A)**

Pursuant to Local Civil Rule 5(g)(1)(A), the Parties met and conferred on April 3, 2024 to discuss the confidentiality designation for Plaintiffs’ Reply and Exhibits A and C to the Ufkes Declaration. (Ufkes Decl., Dkt. 188 ¶ 5.) The Parties conferred via phone conference and the conference was attended by Schuyler Ufkes, Edelson PC, for Plaintiffs and Mylan Traylor, Perkins Coie LLP, for Defendant. (*Id.*) At the meet and confer, the Parties were unable to reach an agreement to withdraw the confidentiality designation such that sealing is unnecessary. (*Id.*) Plaintiffs intend to rely on both documents, and therefore it is necessary to file an unredacted copies of the Reply, Exhibit A, and Exhibit C under seal, in addition to publicly filed redacted copies.

#### **CONFIDENTIALITY DESIGNATION**

On March 12, 2024, Plaintiffs filed a Motion for Leave to Serve Four Additional Interrogatories on AWS. (Dkt. 165.) Defendant opposed the motion in a response. (Dkt. 175.) Plaintiffs’ Reply to that response relies on two materials AWS has designated “Highly Confidential – Attorneys’ Eyes Only” under the Protective Order (Dkt. 55 at § 3.2): (1) excerpts of the deposition transcript of AWS’s corporate representative, Sean Simmons, and (2) excerpts

1 of a spreadsheet AWS produced, bearing Bates No. AWS\_00009345, purporting to identify  
 2 AWS customers who used CompareFaces and/or IndexFaces during the relevant time period.  
 3 Plaintiffs' Reply quotes and relies on both documents. Accordingly, as required by the protective  
 4 order, Plaintiffs hereby move to redact the relevant portions of their Reply and file Exhibits A  
 5 and C under seal. Plaintiffs are prepared to submit an unredacted copy of the Reply and Exhibits  
 6 A and C in the event the Court denies this motion to seal.

7 The Court's local rules note that "[t]here is a strong presumption of public access to the  
 8 court's files." *See* W.D. Wash. Local Rules LCR 5(g). Under the local rules, "[w]here the parties  
 9 have entered a ... stipulated protective order ... governing the exchange in discovery of  
 10 documents that a party deems confidential, a party wishing to file a confidential document it  
 11 obtained from another party in discovery may file a motion to seal but need not satisfy subpart  
 12 (3)(B) []. Instead, the party who designated the document confidential must satisfy subpart  
 13 (3)(B) in its response to the motion to seal or in a stipulated motion." *Id.* LCR 5(g)(3)(B).

14 Here, Plaintiffs wish to file excerpts of the Simmons deposition transcript and excerpts of  
 15 AWS\_00009345, which Defendant has designated as highly confidential. In order for AWS to  
 16 have designated these materials as highly confidential under the protective order, the disclosure  
 17 of these materials must "create a substantial risk of competitive harm or commercial  
 18 disadvantage to [AWS] that could not be avoided by less restrictive means." (Dkt. 55 § 3.2.)  
 19 Accordingly, Plaintiffs move the Court to grant their motion to seal.

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 21 DATED: April 3, 2024

Respectfully submitted,

22 **AVELARDO RIVERA and YASMINE**  
 23 **ROMERO**, individually and on behalf of all  
 24 others similarly situated,

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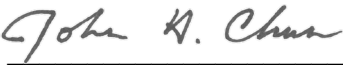
I certify that this memorandum contains 789 words, in compliance with the Local Civil Rules.

**ORDER**

Having reviewed Plaintiffs' Motion to Seal ("Motion"), Dkt. # 185, the Court GRANTS the Motion and ORDERS that the unredacted copies of the following be maintained under seal:

1. Plaintiffs' Reply in Support of Motion for Leave to Serve Four Additional Interrogatories on Defendant
2. Exhibit A to the Declaration of Schuyler Ufkes in Support of Plaintiffs' Reply in Support of Motion for Leave to Serve Four Additional Interrogatories on Defendant
3. Exhibit C to the Declaration of Schuyler Ufkes in Support of Plaintiffs' Reply in Support of Motion for Leave to Serve Four Additional Interrogatories on Defendant

Dated: April 4, 2024

By:   
John H. Chun  
U.S. District Judge